

English Governing Documents

Central Historical Question:

If a law is not upheld by the King of a Country, can it really be considered a good law by historians?

Document #1 Magna Carta 1215

TO ALL FREE MEN OF OUR KINGDOM we grant, all the liberties written below

(12) No tax may be levied in our kingdom without its general consent

(20) A free man shall be fined only in proportion to the degree of his offence, but not so heavily as to deprive him of his livelihood.

(34) A free man cannot be deprived of the right to trial in his lord's court.

(38) In future no official shall place a man on trial upon his own unsupported statement, without credible witnesses to the truth of it.

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, except by the lawful judgment of his equals or by the law of the land.

(40) To no one will we sell, to no one deny or delay right or justice.

(60) All these customs and liberties that we have granted shall be observed in our kingdom. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

(63) IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fullness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

Document #2 The Petition of Right 1628 Signed by Charles I

To the King's Most Excellent Majesty,

III. By the statute called 'The Great Charter of the Liberties of England,' it is declared and enacted, that no freeman may be taken or imprisoned or have his liberties taken, or be outlawed or exiled, or in any manner destroyed, without the lawful judgment of his peers. – (trial by jury).

IV. It is declared and enacted by authority of parliament, that no man, of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor imprisoned, nor disinherited nor put to death without being brought to answer by due process of law.

X. We do therefore humbly pray your most excellent Majesty, that no man hereafter be compelled to pay any tax, without consent by act of parliament.

Document #3 Habeas Corpus Act 1679 signed by Charles II

An act for the better securing the liberty of the subject, and for prevention of imprisonments beyond the seas.

Be it enacted by the King's most excellent majesty, by and with the advice of this present parliament assembled, and by the authority thereof. That whensoever any person or persons shall bring any *habeas corpus* the said writ shall be served upon the said officer

III. If any person or persons shall be committed or detained for any crime, unless for felony or treason, it shall and may be lawful for the person to appeal to the justices and the said justices, are hereby required, to grant *habeas corpus*. The justices shall discharge the prisoner from his imprisonment on bail unless it appears that the party committed is detained for crimes that they cannot be bailed.

Document #4 The English Bill of Rights 1689

His Highness, the prince of Orange, in order to guarantee to the English people that their religion, laws, and liberties might not again be in danger of being subverted, for the vindication and assertion of their ancient rights and liberties, declares:

1. It is illegal for the King to suspend or make laws, without consent of parliament.
4. Creating taxes for the use of the crown, without consent of parliament, is illegal.
5. That it is the right of the subjects to petition the king.
6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.
7. That the subjects which are Protestants may have arms for their defense suitable to their conditions, and as allowed by law.
8. That election of members of parliament ought to be free.
9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.
10. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
11. That jurors ought to be duly impaneled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders.

13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliament ought to be held frequently.

And they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties....

With confidence that his Highness the prince of Orange will preserve them from the violation of their rights, religion, and liberties declare that William and Mary, prince and princess of Orange be declared, king and queen of England, France, and Ireland....